22 August 2016

The General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

RE. TOWNSON ROAD PRECINCT, MARSDEN PARK
DEVELOPMENT APPLICATION
ASSESSMENT OF IMPACT ON ABORIGINAL CULTURAL HERITAGE

Kelleher Nightingale Consulting (KNC) has assessed the potential impact to Aboriginal cultural heritage as the result of the proposed development application for the Townson Road Precinct as shown in Figure 1. The Aboriginal heritage impact assessment is as follows.

Eleven archaeological sites containing Aboriginal objects exist on the property and are potentially impacted by the development (Figure 2).

Part 6 of the National Parks and Wildlife Act 1974 provides specific protection for Aboriginal objects by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land.

There are a number of defences to the offence of harming an Aboriginal object. One of the defences is that the harm was carried out under an Aboriginal Heritage Impact Permit (AHIP).

This letter 1) identifies the Aboriginal heritage constraints for the property and 2) outlines the required process to obtain an AHIP prior to harming Aboriginal objects.

Desktop Assessment

The proposed development area has been assessed in a comprehensive Aboriginal heritage report:

- Townson Road Precinct, Marsden Park, Aboriginal Cultural Heritage Assessment Report, KNC report to Mecone on behalf of the Townson Road Precinct Land Owner Group (2015).

The study area for the Townson Road Precinct heritage assessment report included the area of the DA. Eleven archaeological sites were found on the property: 45-5-4289 (TRS1), 45-5-4290 (TRS2), 45-5-4291 (TRS3), 45-5-4292 (TRS4), 45-5-4293 (TRS5), 45-5-4295 (TRS7), 45-5-4296 (TRS8), 45-5-4442 (TRS9), 45-5-4441 (TRS10), 45-5-4635 (TRS11) and 45-5-4636 (TRS10). Two sites (45-5-4442 and 45-5-4636) were assessed as having moderate archaeological significance, while the remaining nine sites were assessed as having low archaeological significance.
Aboriginal Community Consultation

The 2015 report and assessment were undertaken in consultation with the Aboriginal community; further consultation is required to obtain an AHIP (see below). To date KNC has begun detailed consultation with relevant Aboriginal stakeholders in accordance with the Office of Environment and Heritage (OEH) consultation requirements.

Database Search (AHIMS)

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) was conducted on 22th August 2016 to identify any registered (known) Aboriginal sites within or adjacent to DA (Appendix A).

The AHIMS database search was conducted within the following coordinates (GDA search area):
- Easting: 0300380 - 0301140
- Northing: 6266410 - 6267260
- Buffer: 0m

Number of records on AHIMS database: 17

The AHIMS search identified the 11 known sites within the boundaries of the DA and six additional sites near but outside the property boundary. The findings of the AHIMS search correlate with the findings in the 2015 Aboriginal heritage assessment.

Impacts Based on Proposed Subdivision Plan

All 11 archaeological sites associated with the property are at least partially impacted by the proposed works for the DA (Figure 2). All 11 archaeological sites will require an AHIP.

Process to Obtain an Aboriginal Heritage Impact Permit

An AHIP will be required prior to harming the Aboriginal objects associated with the DA. An AHIP can be obtained by following the process outlined in the OEH guide: Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011). For the current proposal the process is as follows:

Stage 1 Concurrent with the development application lodgement
- Initiate ongoing consultation with the Aboriginal community (consultation commenced 2 May 2014 and is ongoing);
- Finalise the Aboriginal cultural heritage assessment report (CHAR);
- Obtain development approval(s) for the property.

Stage 2 Post development approval(s)
- OEH generally only issue an AHIP after the proponent has obtained development approval.
  - Apply for an AHIP;
  - Receive AHIP and comply with the permit conditions
**Conclusion and Recommendations**

Eleven identified Aboriginal sites will be impacted by the planned future development of the property (Figure 2). The identified Aboriginal sites require an AHIP prior to any impact. Beyond the AHIP process, the sites in themselves are not a hindrance to the proposed development of the property.

The proponent has commenced Step 1 of the process to obtain an AHIP for the Aboriginal sites and lands within the Townson Road Precinct. Once the DA has been issued, the proponent should undertake Step 2 of the process to obtain an AHIP.

If you have any questions or require further information, please do not hesitate to contact me on (02) 9232 5373 or email Matthew.Kelleher@knconsult.com.au

Yours sincerely

Dr Matthew Kelleher  
Director/Archaeologist
Figure 1. Location of the Townson Road Precinct DA area
Figure 2. Location of archaeological sites within the DA area
Appendix A

AHIMS Web Services (AWS)
Search Result

Kelleher Nightingale Consulting Pty Ltd
Level 10 25 Bligh Street
Sydney New South Wales 2000
Attention: Benjamin Anderson
Email: ben.anderson@kconsult.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone: 56, Eastings: 300380 - 301140, Northing: 6266410 - 6267260 with a buffer of 0 meters, conducted by Benjamin Anderson on 22 August 2016.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<table>
<thead>
<tr>
<th>17</th>
<th>Aboriginal sites are recorded in or near the above location.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Aboriginal places have been declared in or near the above location.*</td>
</tr>
</tbody>
</table>